Supreme Court, U. S.
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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1975

No. 74-1542

UNION ELECTRIC COMPANY,
Petitioner,

v.

ENVIRONMENTAL PROTECTION AGENCY,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Eighth Circuit

PETITIONER'S SUPPLEMENTAL BRIEF

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The sole purpose of this supplemental brief is to direct the Court's attention to the decision on August 21, 1975, of the United States Court of Appeals for the Third Circuit in *Duquesne Light Company et al. v. Environmental Protection Agency* (No. 72-1542).

In its Memorandum responding to the Petition for Certiorari in the instant case, the Solicitor General, as counsel for

the Environmental Protection Agency, pointed out on page 7 thereof that such Agency had filed a Petition for Certiorari, with respect to the Third Circuit's decision in *Environmental Protection Agency v. St. Joe Minerals Corp.*, No. 74-1650; and counsel correctly pointed out that the decision of the Third Circuit in *St. Joe* is directly in conflict with the decision of the Eighth Circuit in the instant Union Electric case.

However, the Solicitor General further pointed out that the *St. Joe* case might become moot (p. 7). As an examination of the *Duquesne Light Company* case demonstrates, the Third Circuit's views in the *St. Joe* decision are refortified and re-affirmed in *Duquesne Light*. We thus point out that a serious and substantial conflict still exists among the Circuits.

Respectfully submitted

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